

FILED

APR 15 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Magistrate Docket No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alberto FIERROS- Hurtado,

Defendant

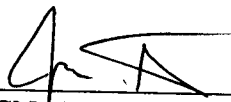
COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

'08 MJ 1153

The undersigned complainant, being duly sworn, states:

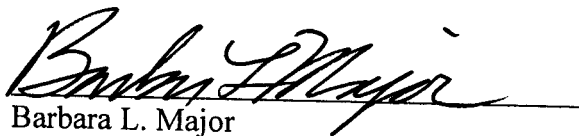
On or about **April 14, 2008** within the Southern District of California, defendant, **Alberto FIERROS- Hurtado**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF APRIL, 2008



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Alberto FIERROS-Hurtado

PROBABLE CAUSE STATEMENT

On April 14, 2008, at approximately 6:10 a.m. Senior Patrol Agent R. Reyes responded to a sensor activation approximately ¼ mile west of the Tecate, California Port of Entry. Upon arrival Agent Reyes saw three individuals running south towards the international border. Agent Reyes searched the area and encountered three individuals concealing themselves in some heavy brush. Agent Reyes identified himself as a Border Patrol Agent and questioned the three individuals as to their citizenship and immigration status. All three, including one later identified as the defendant **Alberto FIERROS-Hurtado**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to be or remain in the United States legally. All three were arrested and transported to the Brown Field Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **February 28, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen of Mexico and does not have any legal documents to enter or stay in the United States legally. The defendant stated that his destination was Los Angeles, California..